

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

ORLANDO PANELLI,

Plaintiff,

v.

KING COUNTY, a legal subdivision of the
State of Washington and a Municipal
Corporation, RANDY KEMPTON, "JANE
DOE" KEMPTON, and their marital
community,

Defendants.

No. C05-257P

DECLARATION OF COUNSEL, CHELLIE
HAMMACK IN SUPPORT OF MOTION
TO QUASH

I, Chellie Hammack, state and affirm as follows:

1. I am plaintiff's counsel in the above entitled action. I am over the age of 18 and make the following statements based upon my personal knowledge.

2. On September 27, 2005, plaintiff's counsel was served with a copy of a Subpoena for Employment Records addressed to Arizona Department of Corrections, requiring the disclosure of plaintiff's entire personnel file. Decl. of Counsel, Exhibit A. In addition, plaintiff's counsel was served with a copy of a Subpoena for Employment Records addressed to UC Davis Health System requiring the production of Patricia Ballesteros entire employee file. *Id.*, Exhibit B.

3. Plaintiff has brought employment claims against defendants including claims of

DECLARATION OF COUNSEL - Page 1

CM Hammack Law Firm
1001 4th Avenue, Suite 3200
Seattle, WA 98154
(206) 223-1909

1 discrimination, wrongful termination, retaliation, breach of contract and outrage against his
2 previous employer King County Department of Adult and Juvenile Detention.

3
4 4. Plaintiff was employed by King County as a corrections officer at the King County
5 Jail. At the time of his employment and during the time of his termination, he was in a
6 relationship with Ms. Patricia Ballesteros. Later, plaintiff was terminated from employment, Ms.
7 Ballesteros and plaintiff were married.

8
9 5. Prior to his employment with King county, plaintiff was employed by the Arizona
10 Department of Corrections.

11
12 6. The subpoenas served request copies of plaintiff's and his now wife's entire employee
13 file and is not limited in any manner. Plaintiff's counsel contacted opposing counsel, Mr. Endel
14 Kolde to attempt to resolve this issue. The email correspondence between the parties counsel
15 relating to this matter are attached to the Declaration of Counsel as Exhibit C. In discussing the
16 documents subpoenaed relating to Ms. Ballesteros, Mr. Kolde indicated he believed Ms.
17 Ballesteros' earnings were discoverable because plaintiff indicated in his deposition that Ms.
18 Ballesteros took a lesser paying position in California after the parties move from Washington.
19 Plaintiff has offered to provide proof of the amount of Ms. Ballesteros previous wages in the
20 form of a paystub. Defense counsel declined this offer. As to plaintiff's Arizona employment
21 records, defense counsel indicated he believed those were discoverable for impeachment
22 purposes, in that plaintiff had testified at deposition that while employed with the Arizona
23 Department of Corrections, he had only a single instance in which he received disciplinary
24 action. Plaintiff offered to agree to sign a release of records relating to any disciplinary action.
25 Defendant counsel declined the offer. The parties were unable to arrive at a resolution.

1
2
3 I declare under penalty of perjury under the laws of the State of Washington that the
4 foregoing is true and correct to the best of my knowledge.
5
6

7 Dated this 4th day of October, 2005, at Seattle, Washington

8 /s/Chellie Hammack
9 Chellie M. Hammack, WSBA#31796
10 Attorney for Plaintiff
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26
27 DECLARATION OF COUNSEL - Page 3
28

CM Hammack Law Firm
1001 4th Avenue, Suite 3200
Seattle, WA 98154
(206) 223-1909